

IN RE: PETITION FOR ZONING VARIANCE
S/S Chestnut Street, 60' E
of Howard Avenue
(7605 Chestnut Avenue)
15th Election District
5th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-524-A

Robert P. DeWitt
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory structure (garage) height of 16'10" in lieu of the maximum permitted height of 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 7605 Chestnut Avenue, consists of .75 acre more or less, zoned D.R. 5.5, and is improved with a single family dwelling. Testimony indicated Petitioner constructed a garage with pre-ordered roof trusses from 84 Lumber. Petitioner testified that upon inspection of the property by the Department of Permits, he was advised that the pitch of the roof was too high and resulted in a garage height greater than that permitted by zoning regulations. Petitioner subsequently filed the instant petition in order to correct the error. Petitioner testified he has no neighbors on either side of the property. Testimony indicated the requested variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of

the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must

take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the relief requested should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of July, 1989 that the Petition for Zoning Variance to permit an accessory structure (garage) height of 16'10" in lieu of the maximum permitted height of 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is re-

versed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 10, 1989, attached hereto and made a part hereof.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

- 4 -

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

RECEIVED
JUN 22 1989
ZONING OFFICE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: June 10, 1989

FROM: Mr. Robert W. Shoresley

SUBJECT: Petition for Zoning Variance - Item 404
DeWitt Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7605 Chestnut Street in Port Howard. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area, (LDA).

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.3 of the Baltimore County Zoning Regulations to allow an accessory structure (garage) to have a height of 16 feet, 10 inches in lieu of the maximum 15 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMA 14.15.10.01. 0>

Memo to Mr. J. Robert Haines
June 10, 1989
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed garage will not increase the sum of all impervious surfaces to exceed 15% of the lot.

2. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Sec. 22-217 (a) 2>.

Findings:

- a. Storm water runoff shall be directed from impervious surfaces associated with this petition to pervious areas to encourage maximum infiltration.
- b. Rooftop runoff shall be directed through down-spouts and into a ditch drain or seepage pit to encourage maximum infiltration (see attached information).

1. Regulation: "If no forest or developed woodland exists on a developed site these sites shall be planted to provide forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: The total parcel shall be afforested according to the following formula: one major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity. Therefore, two major deciduous trees or five conifer trees shall be planted and maintained on the lot. A combination of these two tree types is acceptable provided that 2,400 square feet of tree cover is established on this lot.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Memo to Mr. J. Robert Haines
June 10, 1989
Page 3

1. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-90>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Tidal waters are located about 600 feet from this property.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project shall be approved.

Robert W. Shoresley
Robert W. Shoresley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3323

J. Robert Haines
Zoning Commissioner

July 10, 1989

Mr. Robert P. DeWitt
7605 Chestnut Avenue
Port Howard, Maryland 21052

Dennis P. Rasmussen
County Councilor

RE: PETITION FOR ZONING VARIANCE
S/S Chestnut Avenue, 60' East of Howard Avenue
(7605 Chestnut Avenue)
15th Election District - 5th Councilmanic District
Robert P. DeWitt - Petitioner
Case No. 89-524-A

Dear Mr. DeWitt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Chesapeake Bay Critical Areas Commission
Towers State Office Building, D-4
Annapolis, Maryland 21404

DEPRM

CRITICAL AREA
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 to allow an accessory structure (garage) to have a height of 16 feet, 10 inches in lieu of the maximum 15 feet.

MAP 2552
E.D. 15A
DATE 5/2/89
1000 2P
DP
I ORDERED MY ROOF TRUSSES 6' OVER ALL BUILDING MADE THEN 6' INSIDE. MY GARAGE IS 16'10".

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Robert Paul Dewitt
Signature Robert Paul Dewitt
Address (Type or Print Name)
City and State
Attorney for Petitioner: 7605 CHESTNUT ST 4774854
(Type or Print Name) Address Phone No.
Signature ST. HOWARD RD 31052
City and State
Address Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State Name
Attorney's Telephone No.: Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of April, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of June, 1989, at 2 o'clock P.M.
J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner
May 15, 1989
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
CASE NUMBER: 89-524-A
S/S Chestnut Street, 80 ft. E of Howard Avenue
7605 Chestnut Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Robert Paul Dewitt
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 2:00 p.m.
Variances to allow an accessory structure (garage) to have a height of 16 feet, 10 inches in lieu of the maximum 15 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. Robert Haines
Zoning Commissioner of Baltimore County
cc: Robert Paul Dewitt
File

CRITICAL AREA
404
Beginning at South/West side of Chestnut Street - 40 ft. wide.
At a distance of 60 ft. East of Howard Avenue. Being Lot 1, 2, 3, 4, Section E, Plat of North Point Terrace, Plat Book W.P.C. No. 6, Folio 155. Also known as 7605 Chestnut Avenue, Fort Howard, Maryland 21052.

CRITICAL AREA
404
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
CASE NUMBER: 89-524-A
S/S Chestnut Street, 80 ft. E of Howard Avenue
7605 Chestnut Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Robert Paul Dewitt
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Variances to allow an accessory structure (garage) to have a height of 16 feet, 10 inches in lieu of the maximum 15 feet.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. Robert Haines
Zoning Commissioner of Baltimore County
5/23 May 23

CERTIFICATE OF PUBLICATION
Office of
THE AVENUE NEWS
442 Eastern Blvd.
Baltimore, Md. 21221
May 25, 1989

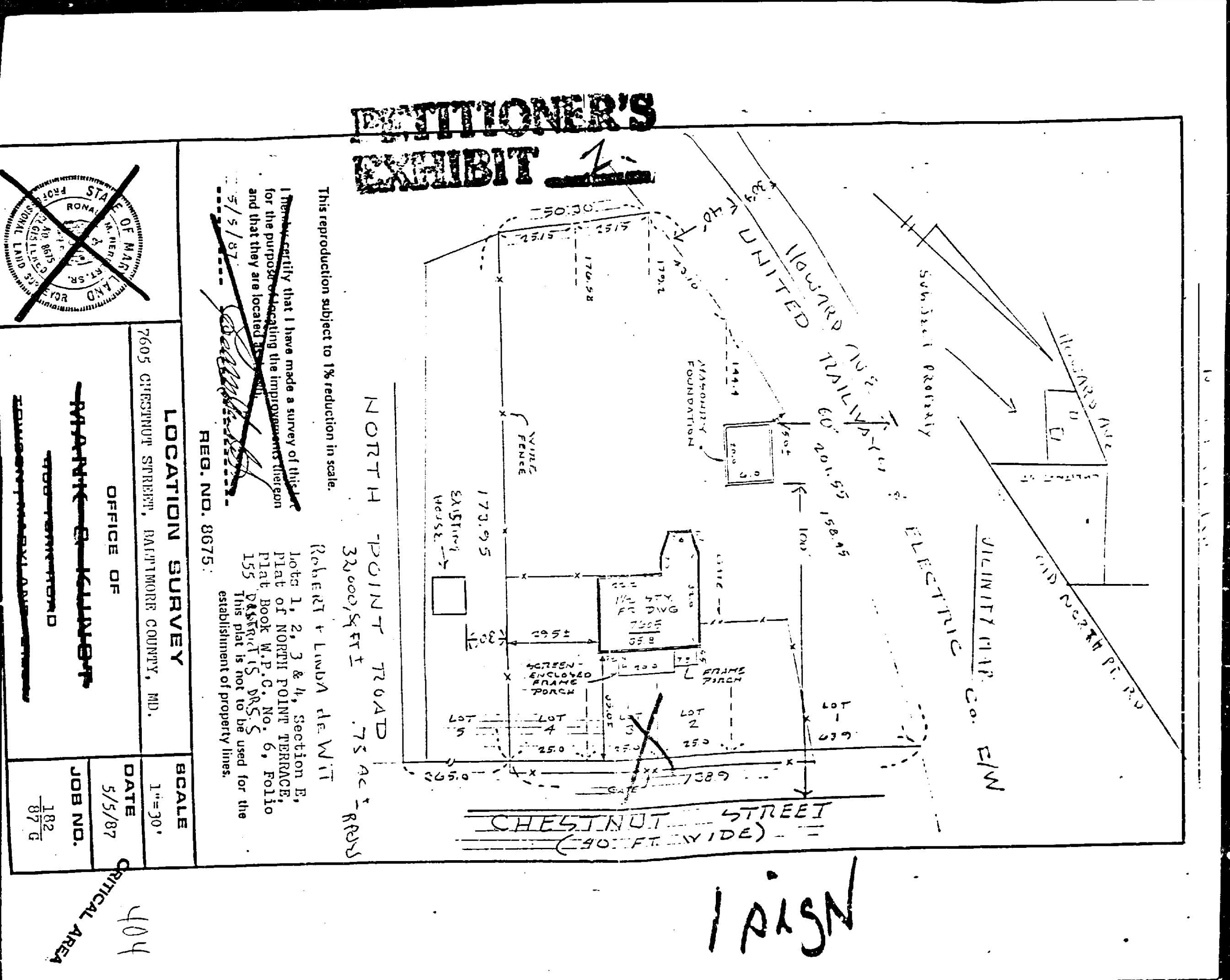
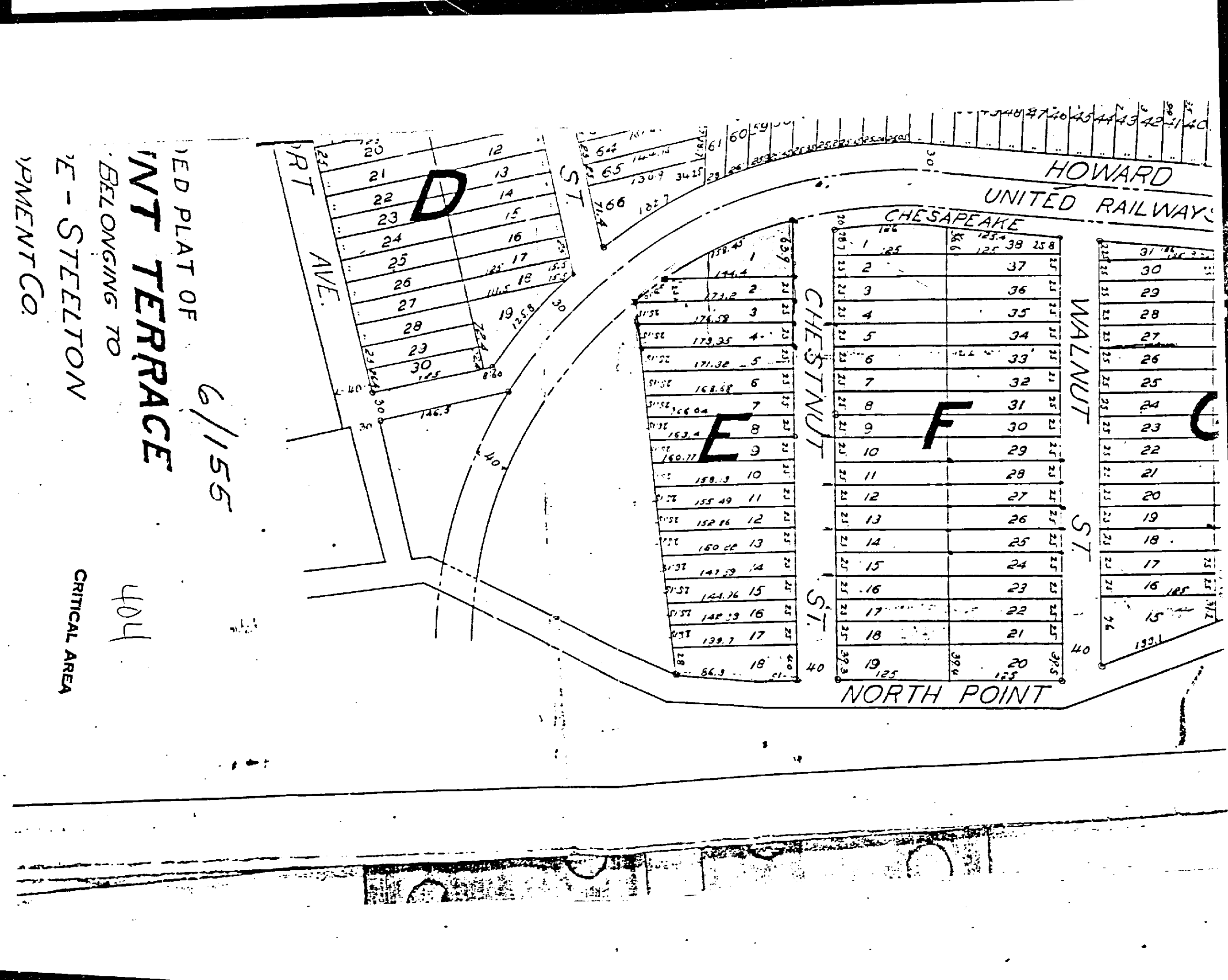
THIS IS TO CERTIFY, that the annexed advertisement of
Robert Paul Dewitt in the matter of S/S Chestnut Street, 80 ft. E of Howard Avenue - 7605 Chestnut Avenue Case # 89-524-A Reg # N30916, P.O.#12574 80.5 Lines @.55 or \$44.27

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for one successive week(s) before the 26th day of May 1989.
that is to say, the same was inserted in the issues of May 25 1989.
The Avenue Inc.
per publisher
By Dennis F. Rasmussen

CERTIFICATE OF PUBLICATION
TOWSON, MD. May 30, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 25, 1989.
THE JEFFERSONIAN,
S. Zabe Orlean
Publisher
PO 12575
reg H30917
ca 89-524-A
price \$39.40

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 15th
Posted for: Variance
Petitioner: Robert Paul Dewitt
Location of property: S/S Chestnut St., 80 ft. E of Howard Ave.
Location of Sign: 7605 Chestnut Ave.
Remarks: See map on property of petitioner.
Posted by: [Signature]
Date of return: 6/19/89
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner
Date: 6/9/89
Mr. Robert Paul Dewitt
7605 Chestnut Street
Fort Howard, Maryland 21052
Re: Petition for Zoning Variance
CASE NUMBER: 89-524-A
S/S Chestnut Street, 80 ft. E of Howard Avenue
7605 Chestnut Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Robert Paul Dewitt
HEARING SCHEDULED: THURSDAY, JUNE 22, 1989 at 2:00 p.m.
Dear Mr. Dewitt:
Please be advised that \$98.67 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.
THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.
Please make your check payable to Baltimore County, Maryland and bring it along with the certificate, and post set(s) to the Zoning Office, County Office minutes before
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 6/22/89 ACCOUNT 111 615 000
AMOUNT \$ 98.67
RECEIVED Robert Paul Dewitt
FROM: Robert Paul Dewitt
FOR: Robert Paul Dewitt 89-524-A
per of
VALIDATION OF SIGNATURE OF CASHIER
DATE: 6/22/89 TIME: 10:00 AM



89-524-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
12th day of April, 1989

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Robert Paul Dewit
Petitioner's Attorney: _____
Received by: _____
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: May 31, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

RECEIVED
JUN 1 1989
ZONING OFFICE

Case No. 89-524-A
Item No. 404
Re: Robert P. de Wit

The Petitioner requests a variance to allow an accessory structure (garage) heights of 16' 10" in lieu of the permitted 15 feet. In reference to this request, staff offers no comment.

A:62289.txt Pg.2

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

June 7, 1989

Mr. Robert Paul Dewit
7605 Chestnut Street
Ft Howard, MD 21052

RE: Item No. 404, Case No. 89-524-A
Petitioner: Robert Paul Dewit
Petition for Zoning Variance

Dear Mr. Paul Dewit:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

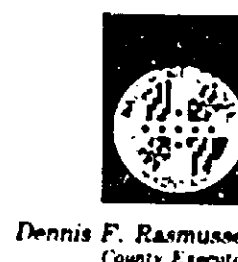
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(801) 887-3554

April 21, 1989



Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines
The Bureau of Traffic Engineering has no comments for items number 399, 400, 401, 402, 403, 404, 405, 406, 408, 409, 410, 411, 412 and 413.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
MAY 23 1989
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
DATE: May 8, 1989
FROM: Robert W. Shoesley
SUBJECT: Petition for Zoning Variance - Item 404
Robert Paul Dewit Property
Chesapeake Bay Critical Area Findings

RECEIVED
MAY 12 1989
ZONING OFFICE

The subject property is located at 7605 Chestnut Street in Fort Howard. The site is not within the Chesapeake Bay Critical Area and therefore Critical Area Regulations are not applicable.

If you have any questions, please contact Mr. David Flowers at x3980.

Robert W. Shoesley
Robert W. Shoesley, Director
Department of Environmental Protection
and Resource Management

DF:KC:ja

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reinisch
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Robert Paul Dewit

Location: S/S Chestnut St. 60' East of Howard Ave.
Item No.: 404
Zoning Agenda: 4/11/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," _____ edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* 4-14-89
Planning Group
Special Inspection Division
NOTED & APPROVED: *Paul H. Reinisch*
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: May 23, 1989
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for April 11, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 399, 400, 401, 402, 403, 404, 406, 408, 409, 410, 412, 413, 414, and 416.

Comments are attached for Items 405 and 411.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:e

Encls.

MAY 23 1989